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7 ANTHONY M. MENDOZA,  
8 Plaintiff,  
9 v.  
10 AARON ZAMBRANO, et al.,  
11 Defendants.

Case No. [4:16-cv-06455-KAW](#)  
**SECOND ORDER TO SHOW CAUSE**  
Re: Dkt. No. 38

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13 Plaintiff Anthony Mendoza, proceeding pro se, filed this lawsuit alleging wage and hour  
14 violations under the Fair Labor Standards Act. On July 12, 2017, Plaintiff filed a second amended  
15 complaint, in which he alleges disability discrimination under the Americans with Disabilities Act.  
16 (Dkt. No. 36.) On July 26, 2017, Defendants filed a motion to dismiss the second amended  
17 complaint. (Dkt. No. 38.) Pursuant to Civil Local Rule 7-3, with an additional three days for  
18 mailing, Plaintiff's opposition was due on August 14, 2017. To date, Plaintiff has not filed an  
19 opposition.

20 Accordingly, by no later than **September 5, 2017**, the Court orders Plaintiff to (1) file a  
21 response to this order to show cause and explain why his case should not be dismissed for failure  
22 to prosecute, and (2) file an opposition to the motion to dismiss. The response to this order to  
23 show cause and the opposition should be filed as separate documents. To aid in his compliance  
24 with this order, Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk—a free  
25 service for pro se litigants— by calling (415) 782-8982 to make an appointment to obtain legal  
26 assistance from a licensed attorney.

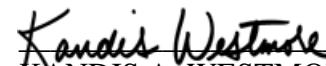
27 Failure to timely respond to this order to show cause may result in the dismissal of this  
28 action for failure to prosecute. *See* Judge Westmore's General Standing Order ¶ 22 ("The failure

1 of the opposing party to file a memorandum of points and authorities in opposition to any motion  
2 shall constitute consent to the granting of the motion").

3 Should Plaintiff timely file an opposition, Defendants are permitted to file their reply on or  
4 before September 12, 2017. The October 5, 2017 hearing remains on calendar as scheduled.

5 IT IS SO ORDERED.

6 Dated: August 24, 2017

  
7 KANDIS A. WESTMORE  
8 United States Magistrate Judge